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ABSTRACT

The guide provides analysis and guidance on issues that arise in serving limited-English-proficient (LEP) students through Title I of the Improving America's Schools Act. It is intended for Title I coordinators at state and local levels and administrators of related programs serving LEP students. The guide presents the issues in the order in which they appear in the legislation. Each section contains a brief summary of the law and analysis of its implications for LEP students. Issues include: state plans (general provisions, development, content standards, yearly progress and LEP students, assessment, questions related to assessment, other provisions to support teaching and learning, and peer review and secretarial approval); development of local education agency plans; schoolwide programs (development of the plan, requirements, components of effective schoolwide programs in which LEP students are served, use of funds for these programs and the special rule for funding); Targeted Assistance Program schools (selecting participating students, methods for effectively serving them); assessment and school district and school improvement (local review, school improvement, district technical assistance to schools, state technical assistance to districts); state assistance for school support and improvement; parent involvement; and teacher professional development. (MSE)

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# LEP STUDENTS AND TITLE I:

# A GUIDEBOOK FOR EDUCATORS

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NOVEMBER 1995

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# A Guidebook for Educators

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*Stanford, California*
*November, 1995*

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# LEP Students and Title I:

# A Guidebook for Educators*

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** Now with Traiber, Voorhes & Olguin, Pasadena, California.

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*Comments may be sent to:* ***Kenji Hakuta, CERAS Bldg., School of Education, Stanford University, Stanford, CA. 94305. Fax: 415-723-7578.***

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# LEP Students and Title I:

# A Guidebook for Educators

## Introduction

The purpose of this document is to provide analysis and guidance on issues that arise in serving Limited English Proficient (LEP) students through Title I of the Improving America's Schools Act, which amended and reauthorized the Elementary and Secondary Education Act of 1965. As the U.S. Department of Education makes explicit:

> *Title I Part A provides that LEP students are eligible for Title I services on the same basis as other children selected to receive services. No longer does a local education agency need to demonstrate that the needs of LEP students stem from educational deprivation and not solely from their limited English proficiency.*[1]

The principal intended audience of this document is Title I coordinators at the state and local levels, as well as administrators of related programs that serve LEP students (e.g., Title VII, Emergency Immigrant Education Act, Migrant Education, and Indian Education). In addition, we hope that the document can be used by parents, policymakers, and advocates as a blueprint for making the most of the largest federal investment in the education of LEP students (Title VII, the Bilingual Education Act, specifically targets LEP students, but it is a competitive grant program that serves far fewer LEP students than does Title I).

This document was initially drafted in the Spring of 1995 through the coordinated efforts of Diane August, Kenji Hakuta, Fernando Olguin, and Delia Pompa. Subsequently, a meeting was held to obtain feedback from a number of individuals representing our intended audience.[2] Based on the discussion and comments, a revised draft was prepared in late June, and widely distributed for further comments. The primary distribution list included all state Title I and bilingual education

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[1] Memorandum to Chief State School Officers from the U.S. Department of Education, June 20, 1995.

[2] Participants at this meeting, held April 8-9, 1995 at the Center for Applied Linguistics in Washington, were: Diane August (National Research Council), Lisette Bernier-McGowan (New Haven Public Schools), Donna Christian (Center for Applied Linguistics), Ana Cubas (U.S. Department of Education), Diane Garber (New Haven Public Schools), Kenji Hakuta (Stanford University), Jan Huber (George Washington University), Ruth Granados (National Association of College Admissions Counselors), Elena Izquierdo (District of Columbia Public Schools), Joseph Johnson (Texas Education Agency), Mary Jean LeTendre (U.S. Department of Education), Francisco Millet (Fairfax County Public Schools), Jesse Montano (Minnesota Department of Education), Fernando Olguin (Mexican American Legal Defense and Education Fund), Delia Pompa (Pompa and Associates), Charlene Rivera (George Washington University), Gabriela Uro (U.S. Department of Education), Susan Wilhelm (U.S. Department of Education).

coordinators, and the bilingual and Title I directors of all districts that currently receive Title VII grants (approximately 1,200 districts). We received written comments from 35 respondents, plus some telephone calls. The present draft incorporates many of the excellent responses we received.[3]

In the course of our intensive engagement with the field on the issue of serving LEP students in Title I (and school and program improvement more generally), what has come abundantly to our attention are the myriad uncertainties and gaps in knowledge that characterize our blueprint. There are many things that we know, both from practical experience and research, yet ironically, this knowledge allows us to appreciate how much we still don't know. The arena of standards and assessment, for example, has many unknowns that cry out for research and development. We note that this is a state of affairs that applies not just to LEP students, but more generally to the standards-based reform effort for *all* students. We have much to discover in the years ahead. Our recommendations should be seen in this spirit of reasoned best guesses and adventure. We agree with the conclusion of a recent report by the National Academy of Education on standards-based reform, which stated:

> *Rather than waiting until all technical and implementation questions have been resolved, [we recommend] a cautious, ``learn-as-you-go'' approach. As long as there are safeguards to protect individual students and teachers from imperfect and incomplete standards and*

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[3] We are enormously grateful to the following individuals who commented, often at great length, on the document: Argelia Carreon (El Paso Independent School District), Bill Demmert (Western Washington University), Agelia Durand (Spring Branch Independent School District, Houston, TX), Ken C. Erickson (RTA, Inc., Kansas), Barbara Fagan (Arlington Public Schools), Ruth C. Granados (National Association of College Admission Counselors and the Hispanic Education Coalition), Linda Gresik (Bellflower Unified School District, Calif.), Cathy Hasson (School Research and Service Corporation, Mission Viejo, Calif.) , Roger Johnston (Lincoln Education Center, Billings, MT), Carol Kierstead (RMC Research Corporation, Portsmouth, NH), Kim Kreicker (Kansas State Board of Education), James Lyons (National Association for Bilingual Education), Marty McCall (Portland Public Schools, Oregon), Susan J. McGilvray-Rivet (Framingham Public Schools, Mass.), Carolyn Meadows (West Virginia Department of Education), Gabriel Medel (Los Angeles Unified School District), Jemil Metti (Walled Lake Consolidated Schools, Michigan), Nancy Montalvo (Harcourt Brace, Educational Measurement), Monty Neill (FairTest), Carmen A. Perez Hogan (New York State Education Department), Dianne Piché (Law Offices of William L. Taylor), Mary I. Ramirez (The School District of Philadelphia), Jean Romano (Windham Public Schools, Willimantic, Connecticut), Richard Ruiz (University of Arizona), Lisa Sharp (affiliation misplaced, with apologies!), Edward J. Slawski (Harcourt Brace Educational Measurement), Shelly Spiegel-Coleman (Los Angeles County Office of Education), Myrna M. Toney (Wisconsin Department of Public Instruction), Tran Huong Mai (Multifunctional Resource Center 3, COMSIS), Theodora Valdez (Pojoaque Valley Schools, Santa Fe, New Mexico), Susan Wilhelm (U.S. Department of Education, Compensatory Education Programs). We apologize that we were not able to incorporate all of the substantive points that were made, but gave careful consideration to each contribution. Copies of the comments we received are available by contacting Kenji Hakuta at the address on the cover.

> *assessments, it makes sense to try out standards, assessments, and accompanying changes in curriculum and instruction, because their effects can only be meaningfully evaluated in real school contexts.*[4]

The main cautionary note to highlight is the fact that the new legislation depends on school and program outcomes as measures of program adequacy, and that the technical and practical challenges facing appropriate assessment of LEP students in meeting standards merit immediate attention.

Throughout our activities leading to the production of this document, we have been guided by general principles consistent with the new legislation on LEP students within Title I. This principle might be stated in its strongest form as follows: *LEP students are eligible for educational services on the same basis as other students served by Title I. Further, LEP students must be held to the same high content and performance standards required of all Title I students and assessed to determine how well they are progressing toward these standards. Their parents, to the extent practicable, must be given the opportunity to be full participants in their children's education.*

The format of this document follows the issues in the order that they appear in the law. Each section begins with a summary of the law (in italics), followed by an analysis of its implications for LEP students. In some sections, such as in the discussion of assessment, we found it appropriate to follow a question-answer format, whereas other sections are written as a narrative analysis of the issues. Generally, the format we chose follows from our level of understanding of the issues and concerns that arise in following the implications of the law. Throughout the course of our work, we have had lengthy discussions about the specific modal verbs to use in the text, such as *must*, *should*, *can*, and *might*. We have tried to carefully distinguish between aspects of Title I that are clearly required by law from those that, based on expert opinion, would further the goal of educating LEP students even though they are not required by law. So, when we use ``must" and ``should", they occur when there is very specific language in the law or a straightforward interpretation, whereas our uses of ``can" and ``might" indicate our best judgment based on research and experience of what would be in the best interests of LEP students.

As a final note, we underscore the fact that we consider this to be a document in a continuous state of revision, and therefore invite comments for future editions. Comments may be addressed to: Kenji Hakuta, CERAS Bldg., School of Education, Stanford University, Stanford, CA. 94305, *FAX:* 415-723-7578.

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[4] M. McLaughlin, L. Shepard & J. O'Day (1995). *Improving Education through Standards-Based Reform: A Report by the National Academy of Education Panel on Standards-Based Education Reform.* National Academy of Education (Available from the National Academy of Education, Stanford University, CERAS Bldg., Stanford, CA. 94305).

**State Plans (Sec. 1111)**

The *Improving America's Schools Act* (IASA) was reauthorized shortly after the *Goals 2000: Educate America Act*. *Goals 2000* provides a framework for state reform efforts and the integration and coordination of federal and state programs to assist students in meeting state content and performance standards.

Reform efforts and the integration and coordination of programs begin with the development of a state consolidated plan which may include any one of thirteen federal education programs set forth in 60 *Federal Register* 3306 (January 13, 1995).[5] A state also may develop separate program plans for each program. In a consolidated state plan, states must provide a description of the State's overall educational reform efforts and how a consolidated plan will meet the needs of program participants.

A state that is submitting a consolidated plan must involve the public, particularly parents, in the process of developing the plan. The components of a state plan must, at a minimum, include a detailed description of the following:

- the state's content and performance standards;
- high quality yearly student assessments or a plan to develop such assessments;
- if necessary, transitional yearly statewide assessments;
- a definition of ``adequate yearly progress''; and
- a description of how the State will measure the progress of schools and local educational agencies (LEAs) and what support the State will provide to schools and LEAs.

**General Provisions**

It is important to keep in mind that any objective under the Title I State plan include LEP students, along with all others. Specific mention of LEP students in cases where there are a

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[5] Please note that, as of this writing, Title VII (Bilingual Education Act) of the IASA may not be consolidated with Title I as part of a state's consolidated plan. However, this does not prohibit a school from combining its Title I and Title VII funds as part of a schoolwide program. (Please see a later section entitled ``Use of Funds in Schoolwide Programs and the Special Rule''). Indeed, meeting the educational needs of LEP children in an effective manner will require coordination between both programs.

significant number of LEP students is appropriate. For example, a state in its effort to improve writing skills for all students might consider how LEP students could be incorporated into this effort. Coordination between different programs is also important. This Title I effort in improving writing skills, for example, could be coordinated with a complementary effort under Title VII.

A key aspect of efforts to meet the needs of parents of LEP students is making information about the plan available in an accessible format and, to the extent possible, in languages represented in the state.

**Development**

***The law requires that State plans be developed in consultation with LEAs, teachers, pupil services personnel, administrators, other staff and parents.***

In the case of Title I, regardless of whether an SEA chooses to develop a consolidated plan or a separate Title I plan, throughout the planning process, states with LEP student populations need to involve and consult with persons who have experience, expertise, and interest in the education of LEP students. For example, members of the Committee of Practitioners should include persons with such expertise. Title I, Title VII and Individuals with Disabilities Education Act (IDEA), and state education agency (SEA) staff also need to work collaboratively throughout the planning process because close coordination in the implementation of Title VII and Title I plans greatly enhances the education of LEP students in the state. Consultation with Native American groups and tribal education departments or their equivalent is also particularly important.

**Content Standards**

***The law requires that the State plan demonstrate that the State has developed or adopted challenging content and performance standards for children served under this Title. The standards must include the same knowledge and skills expected of all children.***

In developing content standards, the state's role is to ensure that its state standards apply to LEP students as well as all other students. Thus, states should develop:

- content standards that are rigorous for *all* students, including LEP students;

- content standards that reflect the best available knowledge about how LEP students learn and how the content can be most effectively taught to them. For example, many LEP students will be acquiring content knowledge and skills in their second language. For this reason, LEP students will benefit from any formulation of "overarching" standards by related

disciplines (i.e., critical thinking skills, ability to communicate clearly);

- supplemental content standards in English language arts that accommodate LEP students' need to acquire English language skills that students who arrive in school speaking English already possess;[6]

- content and assessment standards that define the native language arts skills and knowledge required of LEP students in bilingual education classes;[7]

- foreign language standards that are developmentally appropriate for and rigorous enough to incorporate competencies demonstrated by native speakers of languages other than English in foreign language classes;

- content standards that incorporate the cultural background and life experiences of linguistically diverse children and reflect the diversity of the United States.

**Yearly Progress and LEP Students**

***The law states that adequate yearly progress must be defined in a manner that (1) is consistent with guidelines established by the Secretary that result in continuous and substantial yearly improvement of each LEA and school sufficient to achieve the goal of all children served under this part meeting the state's proficient and advanced levels of performance, particularly economically disadvantaged and LEP children, and (2) links progress primarily to performance on the assessments carried out under this section, while permitting progress to be established in part through use of other measures.***

Yearly progress as defined by the law pertains to the progress of LEAs and schools, as measured by the aggregation of individual student scores on assessments aligned with performance standards. According to the law, the same high performance standards that are established for all students are the ultimate goal for LEP students as well. On average, LEP students, however, may

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[6] Teachers of English to Speakers of Other Languages (TESOL) is in the process of developing content and performance standards for ESL students. For more information, contact Deborah Short, Center for Applied Linguistics (CAL), 1118 22nd St. N.W., Washington DC. 20037 (202-429-9292).

[7] The American Council on the Teaching of Foreign Languages (ACTFL) is in the process of developing content and performance standards for foreign language arts that incorporate levels of proficiency appropriate for LEP students who speak these languages natively. For more information, contact Jamie Draper, ACTFL, 6 Executive Plaza, Yonkers, NY. 10701-6801 (914-963-8830).

take more time to meet these standards (especially those LEP students with limited prior schooling), because they must also develop English language proficiency. As such, additional benchmarks toward these standards might be developed to assess LEP student progress in meeting these standards. This does not mean that LEAs and schools with significant proportions of LEP students are expected to have lower standards. Rather, the system for measuring yearly progress of LEAs and schools in meeting the same high standards for all students should be calibrated through the use of additional benchmarks so that progress can be reliably measured. This progress should be both continuous and substantial.[8]

In addition, because LEP students are acquiring English language skills and knowledge that students who arrive in school speaking English already possess, additional content and performance standards in English language arts should be developed. Progress toward meeting these content standards would necessitate the establishment of additional performance standards.

LEAs and schools can facilitate LEP student progress by providing appropriate support. For example, schools and LEAs can extend the time available for instruction through extended day or extended year programs. Professional development programs that provide instructional staff with skills for teaching LEP students also enhance the probability that LEP students will demonstrate adequate progress. In short, LEP students will demonstrate the same progress as all students only if the plans thoughtfully address their needs.

**Assessment**

***The law requires states to develop or adopt a set of high quality yearly assessments, including assessments in at least reading or language arts and math to be used as the primary means of determining the yearly performance of each LEA and school served under this part in enabling all children to meet the State's student performance standards. (If States are using transitional assessments, they must devise a procedure for identifying LEAs and schools for improvement. The procedure must rely on accurate information about the academic progress of each LEA and school.)***

***The law states that assessments shall be: the same assessments used to measure the performance of all children; aligned with challenging content and student performance standards; provide coherent information about student attainment of such standards; be used for purposes for which such assessments are valid and reliable; measure the proficiency of students***

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[8] Given tremendous individual differences in the acquisition of English as a second language, substantial research and development will be needed to define adequate progress and establish benchmarks.

***in the academic subjects in which a state has adopted challenging content and student performance standards; administered at some time during grades 3 through 5, 6 through 9, and 10 through 12; and involve multiple up-to-date measures of student performance.***

***In addition, the assessments must provide individual student interpretive and descriptive reports that contain information on the attainment of student performance standards, and enable results to be disaggregated within each State, LEA, and school by gender, by each major racial and ethnic group, by English proficiency status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged.***

***The assessments must provide for: the participation of all students; reasonable adaptations and accommodations for students with diverse learning needs; and the inclusion of LEP students who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what such students know and can do, to determine such students' mastery of skills in subjects other than English.***

***Additionally, the law requires states to identify in their state plan languages other than English that are present in the Title I population and indicate the languages for which yearly student assessments are not available but are needed. The State is to make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate assessment measures in the needed languages through the Office of Bilingual Education and Minority Languages Affairs (OBEMLA).***

A focus on assessment in state plans has special implications for LEP students. Assessments for LEP students are to be rigorous yet appropriate for the needs of these students.[9]

A recent survey of statewide assessment programs (Rivera, 1995) shows there are many methods to modify assessment practices to include LEP students. Because of the diversity within the LEP student population, no single method would succeed in including all LEP students. A variety of approaches is therefore recommended. One practice is to provide assessments in the

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[9] Please note that substantial research and development is needed to determine how to include LEP students in English assessments on the one hand, while, on the other hand, ensuring that the assessments are of equivalent validity and rigor.

student's native language.[10] In general, experts in assessment believe that this practice is appropriate for the group of LEP students who are better able to demonstrate content knowledge in their native language, such as those who are receiving instruction through the medium of their native language, or those who may currently receive English-only instruction but who have been recently educated in their home country and are thus able to demonstrate content knowledge more ably in their native language. The native language assessments would parallel content assessments and performance standards in English.

In addition to assessment in the native language, the survey of state practices also showed a variety of modifications for LEP students: 20 states allowed extra time; 18 states provided small group administration; 18 states allowed flexible scheduling, such as dividing administration of an assessment into shorter sessions; 14 states offered simplified directions; 13 states allowed the use of dictionaries; and one state, New York, uses glossaries that do not explain the word or concept to maintain the validity of the assessment.

Other modifications might entail providing audio-taped instructions in the native language, allowing students to respond in either their native language or in English using audio tapes, providing additional clarifying information at the end of the test booklet or throughout the test (e.g., synonyms for difficult words or phrases), and decreasing the English language demands of the assessment. In all instances, however, it is important to ensure that assessments are equivalent in content and rigor to those used to measure the progress of fluent English speakers. It is not imperative that these assessments be the same as those given to fluent English speakers. To gauge the progress of LEP students, whatever assessment method or combinations of methods is used, the assessments must remain comparable over time.

Finally, it is recommended that additional, supplementary information be collected on the performance of LEP students, particularly those for whom the modifications are still not sufficient to provide for accurate measures of their abilities within the assessment system. This might include portfolio assessments, teacher ratings, and assessments administered with the assistance of bilingual liaisons such as aides and community representatives.

Inclusion of LEP students in assessment practices necessitates collaboration between the state assessment director and the directors of Title I, special education, and bilingual education programs. For example, in addition to the opportunity to align Title I and state assessment goals around state content and performance standards, there are new and strict accountability provisions for schoolwide

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[10] In this survey, four states (Arizona, Hawaii, New Mexico and New York) reported providing psychometrically equivalent assessments in languages other than English. Others, such as California and Texas, reported piloting statewide assessment programs in languages other than English.

and districtwide programs under Title VII, such that funding is terminated in programs that do not make progress toward meeting state performance standards. As such, appropriate assessments for LEP students will be crucial.

States might consider borrowing (from other states or entities such as large school districts with substantial numbers of LEP students) content area assessments in languages other than English if such assessments conform with their content standards. This process might also involve cooperative efforts among two or more states, or the development of multi-state item banks, and should include persons knowledgeable about the assessment of LEP students and systems serving them. The newly formed Comprehensive Technical Assistance Centers will be a source of help in locating and developing assessments in languages other than English.[11] Finally, the Office of Bilingual Education and Minority Languages Affairs of the U.S. Department of Education is required to assist states that request such assistance and identify appropriate assessment measures in languages other than English that are present in their Title I student populations.

In addition to including LEP students in state-wide assessments, schools and LEAs should provide parents and community members with information on the assessments and assessment procedures for LEP students and whether and how these differ from those used with non-LEP children.[12]

In closing this section, we quote from a particularly compelling description of efforts by the Portland Public Schools in Oregon to include LEP students in their assessment system:[13]

> *In the area of **Standardized Assessments**, the Oregon Department of Education constructs its multiple choice tests in reading and mathematics using the Rasch model, a specific type of Item Response Theory (IRT) test design. Our district uses the Rasch model, too, with different specifications that give us greater local accuracy. Both the state and the district use the Northwest Evaluation Association*

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[11] Contracts for the Comprehensive Technical Assistance Centers were recently awarded. Information on the awards can be obtained from the National Clearinghouse for Bilingual Education by faxing your request to 800-531-9347 or via e-mail at askncbe@ncbe.gwu.edu

[12] Sec. 1001(c)(7) & (d)(7) of the law states that one of the purposes of Title I is to ``afford[] parents meaningful opportunities to participate in the education of their children at home and at school". This interpretation is also reinforced in the parental involvement and parent-school compact provisions of the law (Sec. 1118 [c][3 & 4]).

[13] This narrative was provided to us by Marty McCall, Research and Evaluation, Portland Public Schools, P.O. Box 3107, Portland OR 97208-3107 (phone: 503-249-2000 x4335).

*(NWEA) item bank (as do a number of districts in Oregon, Washington, and Colorado). The bank contains items calibrated to a scale of difficulty in a subject matter domain. Until recently, test constructors assumed that LEP students could not participate in instruction until their English proficiency allowed them to read mainstream material. Consequently the item bank contained no items that assessed the material that LEP students study. Since this is material that native English speakers have normally mastered long before they take tests, it was not considered part of the domain of reading.*

*In 1993, staff members from Portland's English as a Second Language/Bilingual Program approached the Research and Evaluation Department about making a form of the state and district reading test out of items that address the beginning ESL curriculum. They included basic vocabulary with picture cues, letter recognition, and word order. The R&E staff obligingly created a form of the reading test that almost all LEP students can take (a few newly arrived students are still excluded). The new items are related to the state proficiency standards and are now part of the NWEA item bank. Although the difficulty level of the items is well below proficiency criteria, having an initial score allows us to start tracking progress toward these goals on the same proficiency scale. Previously LEP students were tested with reading tests that were designed for LEP students but did not address state and local standards. They were used to satisfy the evaluation requirement for the ESL/bilingual program under the Castañeda rules. The new test satisfies the English reading evaluation for the ESL/Bilingual Program as well as district (but not state) testing requirements. The district will use these scores in its Title I evaluation. The results are part of the student assessment data system (the old ESL tests had been stored separately.) It provides earlier information about struggling students or ineffective programs.*

*In Portland, every student takes a set of items that matches his or her proficiency level. Since they are all from the same bank, they are regarded as one test. The LEP form of the reading test is not a separate test. The items are part of the item bank and form an appropriate test level like the tests of any Portland student.*

*In the area of **Performance Assessment**, the key once again is expanding the domain. We found that the rubrics for Oregon's Direct Writing Assessment (DWA) did not describe the first two or three years of an LEP student's progress. A group of experienced ESL teachers sat down with a collection of beginning to advanced LEP writing samples. They wrote a set of rubrics that address the state's analytical scoring categories, but describe LEP student work. The ESL/Bilingual Program administers and scores a DWA program that parallels the state's but uses this extended rubric system (the state's rubrics plus the LEP rubrics). This has given the ESL teachers a better understanding of what the system expects from students in mainstream classes and has given LEP students feedback in terms of what they will be expected to know (e.g., `voice' convention). This allows LEP students to chart their own progress toward state criteria and to get a better understanding of the standards system. The ratings from this assessment are also used for ESL/Bilingual Program evaluation as well as for district Title I evaluation.*

## QUESTIONS RELATED TO ASSESSMENT

Three specific questions arise as states with LEP populations consider this component of their plan:

**At what point should LEP students take performance assessments in English?**

Many experts on the education of LEP students feel that states should set a limit on how long LEP students can be excused from taking the same performance assessments in English as their English-speaking peers.

Currently, many states base their decision on whether to include LEP students in the standard English assessment on the number of years they have attended an English-speaking school. This method is problematic, however, because it does not take into account the fact that individual students vary greatly in their rate of English acquisition. Thus, even if the number of years were set at the accurate average time it takes for learning the English adequate for the assessment, it would inappropriately exclude a large number of fast learners of English and inappropriately include a large number of students who need more time to acquire English. A better calibrated approach would be the use of an assessment of English proficiency that measures all four domains as part of a triage system that would determine whether to offer unmodified English assessment, modified English assessment, or a waiver from assessment.

**How should LEP student assessment scores be reported?**

***The law requires that assessment results be disaggregated within each State, LEA, and school by gender, major racial and ethnic group, English proficiency status, migrant status, students with disabilities as compared to nondisabled students, and economically disadvantaged students as compared to students who are not economically disadvantaged.***

Student assessment results should be disaggregated by LEP status (or former LEP status, if possible). Further disaggregation by economic status, whenever possible, would help prevent misattribution of potential differences between LEP and non-LEP students that are due to socioeconomic factors rather than English proficiency per se.

**Should student performance on transitional assessments be disaggregated by English proficiency status?**

The law clearly states that assessment results should be disaggregated for English proficiency status. However, there is ambiguity in the law about whether this applies to transitional assessments. The U.S. Department of Education takes the position that the requirement for disaggregation does not apply to transitional assessments. On the other hand, major advocates for equity such as the Mexican-American Legal Defense and Educational Fund, the Title I Reform Network, and the Center for Law and Education assert that the intent of the legislation is to require disaggregation before the final assessments become available.

Regardless of the ambiguity, the law requires that, during the transitional period, a state must devise a procedure for identifying LEAs and schools, respectively, in need of school improvement and that such identification must be based on accurate information about the academic progress of each LEA and school. The school improvement sections, in turn, require an annual review to determine whether LEAs and schools are making adequate progress. Adequate progress requires continuous and substantial yearly improvement of each LEA and school and it must be rigorous enough to enable all children, particularly economically disadvantaged and LEP children, to meet the state's proficient and advanced levels of performance. The law requires that the progress be sufficient to achieve the goal of *all* students meeting the standards.

To obtain accurate information concerning the academic progress of LEAs and schools and the LEP and ``poor" children within those LEAs and schools (i.e., to determine whether LEAs and schools are making ``adequate yearly progress"), it will be necessary to disaggregate, at a minimum, by LEP and economic status. Thus, although disaggregation technically is not required under the transitional assessment provisions of the law, it is clear that compliance with the adequate yearly progress and school improvement provisions of the law requires disaggregation -- during the

transitional period -- of at least LEP and economic status.

To the extent LEP students have historically been at great risk of failing in school, separate reporting of the outcomes for these students, even in the transitional period, would convincingly demonstrate whether there is local and school improvement and whether this improvement incorporates LEP students. Furthermore, data reflecting differences between LEP and non-LEP students, trends in progress by subject, and socioeconomic factors (rather than English proficiency status *per se*) that appear to affect performance contribute valuable information for making instructional decisions.

Because many states already collect and report statewide assessment data disaggregated by LEP status, it would be appropriate for these states to study in detail those aspects of state assessments where LEP students demonstrate significant divergence from that of monolingual English student populations in the same school district, as well as where LEP student performance approximates the performance of their monolingual English peers.

**In reporting student achievement data disaggregated by LEP status, does there have to be a certain number of LEP students in order for the data to be statistically sound?**

The soundness of a statistic depends, primarily, on the purpose of the analysis. There are two distinct purposes for reporting disaggregated results for LEP students:

(1) to describe the performance of the particular group of LEP students in a school, district, or state at a given time of testing, and

(2) to make inferences about whether the LEP students in the school, district, or state are making adequate yearly progress toward meeting performance standards.

To serve the first purpose, of describing the performance of a particular group of LEP students, statistical soundness does not depend upon the sample size. The only source of variation is the measurement error of the particular test being used. Thus, even in cases where disaggregation would result in a small cell size, the central tendency and measure of variability can be reported in a statistically sound manner for a disaggregated group of LEP students.

In reporting data at the school level when the number of LEP students is extremely small, however, caution in reporting becomes necessary for reasons other than statistical soundness, i.e., confidentiality of the individual students may be violated in reporting the data publicly. When this potential arises (in cases where N<5, for example), one alternative might be to report data from these students at a higher level of aggregation, such as through combining similar schools or at the district

level.

To serve the second purpose of generalizing beyond the particular sample, such as through a comparison of a sample of third graders this year with a sample of third graders from the previous year, the statistical soundness of the comparison depends upon the sample, its size, plus the measurement error of the test. This is because each year's group is considered a "sample" of a larger population, and the difference between the samples is considered to be a sample of a population of differences between two independent samples. In this case, statistical soundness is indeed threatened by small sample sizes in making inferences about school progress.

There is no golden rule on what an adequate number should be in order to attain statistical soundness because the number depends on the variability in the data, the expected magnitude of the year-to-year progress to be made, and the desired ability of the statistical tool to pick up on year-to-year progress (known as statistical power). For example, a district might, through consultation with a statistical expert, decide on an initial minimum sample size to be set for the ability to detect a medium- size improvement at a power level of .90, given assumptions about variability in the sampling statistic. For schools that exceed that number, data would be reported in a disaggregated manner at the school level. For schools that are below that number, data might be pooled with other schools with similar characteristics up to a point where the number is exceeded.

The initial sample size should be continuously reviewed and modified in light of new data. For example, estimates and assumptions about the sampling statistic will become more accurate over time, and expectations about the magnitude of the year-to-year progress to be made may also be modified with experience. We recommend that the issues of statistical power be continuously monitored and analyzed over time to improve on the statistical soundness of the data being reported.

In sum:

- for descriptive purposes on the performance of LEP students, data should be reported at the school, district and state levels regardless of the number of LEP students, except in cases where the confidentiality of students might be violated;

- for purposes of making inferences about annual progress in achievement, however, LEP data should be monitored and analyzed such that over time, statistically powerful comparisons can be made to enable inferences about LEP students.

**Other Provisions to Support Teaching and Learning**

***The law requires that the State education agency implement a system of school support***

***teams, work with other agencies to provide technical assistance to LEAs and schools, and consider providing professional development and technical assistance through education service agencies where they exist, and through other cooperative agreements, such as through a consortium of LEAs.***

Please see a later section on State Assistance for School Support and Improvement.

**Peer Review and Secretarial Approval**

***The law requires that in order to approve an LEA plan, the SEA must determine that the LEA's plan will enable schools served through Title I to substantially help all children meet the State's challenging content and performance standards expected of all children. In addition, the law requires SEAs to review the plan to determine if the LEA's professional development activities are in accordance with the professional development activities required by Title I.***

Before approving an LEA plan, the SEA should ensure that LEAs with LEP student populations include in their plan (1) appropriate strategies for ensuring that LEP students have access to curriculum and instruction that enables them to master content standards and meet student performance standards and (2) professional development activities that will enable school personnel and parents to better serve LEP students. Strategies to provide LEP students access to content standards are described in a previous section and professional development activities are described in a subsequent section.

## Local Educational Agency Plans (Sec. 1112)

**Development of LEA Plans**

***LEAs are required to prepare plans. Each plan must include a description of: additional high-quality student assessments that the LEA and schools will use; any other indicators that will be used in addition to these assessments; the strategy the LEA will use to provide professional development; how the LEA will coordinate and integrate services provided under this Part with other educational services at the LEA or school level; the poverty criteria used to select school attendance areas; how teachers, in consultation with parents and other school personnel will identify the eligible children in need of services; the nature of the program to be implemented; how the LEA will ensure that migratory and formerly migratory children are selected to be served on the same basis as other children; and where appropriate, how the LEA will support preschool programs.***

***LEAs must also: inform eligible schools and parents about schoolwide authority; provide technical assistance and support to schoolwide programs; work in consultation with schools as they develop and implement their plans; fulfill school improvement responsibilities; coordinate and collaborate with other agencies providing services to children, youth and families; provide services to eligible children attending private schools; take into account the experience of model programs and findings from relevant research indicating that services may be most effective if focused on students in the earliest grades; and ensure that early childhood services comply with provisions in Head Start.***

In the development of LEA plans, it is critical that people with expertise and interest in the education of LEP students and who have historically worked with these children, be given the opportunity to participate. This would include school personnel, parents and community members, and LEP secondary school students where applicable.

A well-developed LEA plan in a district with LEP students would consider the educational needs and contributions of those students. For example, in school districts that enroll LEP students, the district needs to specifically address the recruitment, training, and deployment of teachers and aides to provide effective instruction to LEP students that is based on our knowledge from research and professional experience; the acquisition and use of instructional materials -- in all languages substantially present in the school district -- equivalent to those provided in the English language curriculum; the most effective means for providing LEP students with access to high quality curricula, instructional methods, extra-curricular support systems and technology; the meaningful participation of language-minority parents; the inclusion of LEP students in all programs offered by

the district; and the development and use of assessment instruments and practices appropriate to measure the academic, linguistic, and social progress of LEP students.

Coordination is also very important. Services through Title I, special education, and gifted and talented education should be coordinated with local bilingual and ESL programs for maximal effectiveness. Such coordination should also include Title VII-funded programs. In one district, for example, retooling initiatives in the public schools involve cross training between Title VII and Title I staff.[14]

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[14] The Department of Education expects that Title I and title VII funds will be combined as part of a schoolwide program. The Department, in regulations it recently issued, states: ``A school may use funds received under . . . the Bilingual Education Act to support its schoolwide program provided the program implements a bilingual education or special alternative instruction program that reforms, restructures, and upgrades the programs and operations that serve limited-English-proficient children and youth in the school.'' 60 *Federal Register* 49174 (Sept. 21, 1995).

## Schoolwide Programs (Sec. 1114)

### Development of the Plan for Schoolwide Programs

***The law requires that the plan for a schoolwide program be developed with the involvement of the community to be served and individuals who will carry out such a plan, including parents, teachers, principals, other staff, and where appropriate, pupil services personnel, and if the plan relates to a secondary school, students from such a school.***

In schoolwide programs with LEP students, it is critical that people with expertise and interest in the education of LEP students and who have historically worked with these children, be given the opportunity to participate in the development of the school plan. This would include school personnel, parents and community members, and LEP secondary school students where applicable.

### Requirements of Plans for Schoolwide Programs

***The law requires that any school that desires to operate a schoolwide program first develop in consultation with the LEA and its school support team or other technical assistance provider a comprehensive plan for reforming the total instructional program in the school.***

Plans for schools operating schoolwide programs must address the special needs and strengths of limited English proficient students at both the school and classroom levels. Please see the components of effective schoolwide programs for LEP students in a subsequent section.

***The law requires that plans describe how the school will provide individual student assessment results, including an interpretation of those results, to the parents of a child who participates in the assessments required by this law.***

In schools serving LEP students, the plan might specify a variety of strategies to ensure that there are individual student assessment results for these students. At the school level, assessments for LEP students, as for all students, should be used to determine mastery of subject matter aligned with state and local content standards. Although LEP students should be assessed to determine mastery of the same standards, (and assessed as often as their fluent-English speaking peers) assessments might be modified in order to learn as much as possible about how much they know and can do. (Please see the section on Assessment).

In addition, schools should make efforts to ensure that parents of LEP students have access to and understand their children's assessment results. Whenever possible, schools might enlist the

help of staff and community members to interpret or translate information about children's performance into the native languages of non- and limited- English proficient parents and to answer questions parents might have about their children's progress. This may be accomplished through small, informal sessions between parents, staff, and community members as well as through phone calls and home visits.

***The law further requires that the plan provide for the collection of data on the achievement and assessment results of students disaggregated by gender, major ethnic or racial groups, limited English proficiency status, migrant students, and by children with disabilities as compared to other students, and by economically disadvantaged students as compared to students who are not economically disadvantaged.***

Therefore, as required by law, student assessment results must be disaggregated by LEP status. As previously mentioned, further disaggregation by economic status, whenever possible, helps prevent misattribution of potential differences between LEP and non-LEP students that are related to socioeconomic factors rather than English proficiency status per se. (Please see sections that address the (1) reporting of assessment results during the transitional period and (2) statistical soundness of disaggregated data.)

***The law states that plans for schoolwide programs must be made available to the LEA, parents, and the public, and the information contained in such a plan must be translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language.***

To the extent feasible, the information in a plan should be translated into any language that a significant percentage[15] of the parents of participating children in the school speak as their primary language. The spirit of Title I clearly contemplates that schools and school districts will take the necessary steps to ensure that parents are involved in ongoing discussions about planning, implementing, reviewing, and improving Title I programs. Thus all parents, including those who are LEP, must be given the opportunity to be full participants in their children's education.

Strategies for communicating plans to language minority parents who are not proficient in English are varied and the possibilities go well beyond simply making translations of the entire plan available in the non-English languages. Versions of the plan might be prepared in English that avoid jargon and language that is not easily accessible to non-native speakers of English, and made

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[15] The Voting Rights Act provides guidance for the interpretation of "significant". Under the Voting Rights Act, jurisdictions are required to translate all voting materials where at least five percent of any given language minority group is present 42 U.S.C. Sec. 1973 aa - 1a.(b).

available to the language minority communities at large (such an exercise may also be useful in communicating the plan to English speakers unfamiliar with education jargon). An executive summary that contains the menu of key issues might also be prepared in English, and translated into the main languages of the school. For the least common languages in the school, an effort might be made to contact individuals who represent those communities, and to communicate the plan to them and seek their help in disseminating the information to the community. Communicating the plans, then, might be thought of as experimentation with a continuum of strategies and part of an on-going process of improving school-community communication. (Some of these same strategies might be used to disseminate information regarding plans at the state and district level as well.)

**Components of Effective Schoolwide Programs in which LEP Students Are Served.**

***The law requires that a schoolwide program include the following components: a comprehensive assessment of the school based on information on the performance of children in relation to the State content standards and State student performance standards; schoolwide reform strategies; instruction by highly qualified staff; professional development; strategies to increase parental involvement; plans for assisting preschool children in the transition from early childhood programs to local elementary school programs; measures to include teachers in the decisions regarding the use of assessment; activities to ensure that students who experience difficulty mastering any of the standards are provided with effective, timely assistance.***

The philosophy behind schoolwide programs can be stated as follows: when a large proportion of students in a school are in need, the best way to upgrade the educational experience for those students is to improve the program for the entire student body. Schoolwide programs provide a vehicle for much-needed reform in that regular classroom instruction, rather than supplemental and pull-out instruction, becomes the focus for improving outcomes for students. Thirty minutes per day of supplemental instruction (characteristic of many Title I programs) is not enough when the regular school program is deficient. In schools with high concentrations of poverty, schoolwide programs make sense because more children in the school are likely to benefit. Because LEP students are disproportionately concentrated in these high-poverty schools, many will be served in schoolwide programs.

However, for schoolwide programs to be effective, school staff must attend to the special needs and strengths of LEP students. Effective schools for LEP students share many of the features of effective schools for any group of students, but place more emphasis on some of these features.[16]

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[16] The features of effective schools for LEP students that follow come from August, D.L. and Pease-Alvarez, C., *Effective Schooling for Second Language Learners: A school assessment system.* National Center for Research on Cultural Diversity and Second Language Learning, in press. To order, contact: Dissemination Coordinator,

In addition, they are characterized by additional features that are particularly important to the successful education of LEP students.

For example, attributes of effective schools for LEP students include a school culture where:

- the school community values English language learners, their native languages and cultures on the one hand, and challenges bigotry, prejudice, and discrimination on the other; and

- the school community has both a shared vision and common goals for all students (particularly important, because many English language learners find themselves in programs that are marginal to the school or are themselves held to different standards than their mainstream peers).

Furthermore, in schools that successfully educate LEP students:

- staff development is explicitly designed to help all teachers and school personnel better address the needs of language minority students;

- the design of the instructional program is based on school and community contextual factors and goals. Many evaluators note that there is no one "right way" to educate English language learners, but that different approaches are necessary because of the great diversity of conditions faced by the schools. They recommend that local staff and community members identify the conditions under which one or some combination of approaches are best suited and then adapt models to match their particular circumstances; and

- there is articulation and coordination within and between schools. This includes a smooth transition between levels of language development classes (i.e., transition between content-based English as a Second Language (ESL) and sheltered instruction) and coordination and articulation between the ESL or bilingual program and the rest of the school. In addition, it calls for coordination between levels of schooling, including grades and schools (e.g., pre-school and elementary schools). To accomplish this there must be collaboration between all school personnel and a coordinated district policy regarding English language learners.

- there is a wide range of parent/community activities, including activities to help parents

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National Center for Research on Cultural Diversity and Second Language Learning, Center for Applied Linguistics, 1118 22nd St., N.W., Washington, DC. 20037. Telephone: (202) 429-9292.

support their children's learning and development. Parents have ample opportunities to become involved in their children's school, parent education, advocacy, and school governance.

Staff in schools that successfully educate LEP students:

- have specialized knowledge that relates to the special circumstances, experiences, and backgrounds of their students. This includes knowledge of first and second language acquisition and second language methodology. Moreover, teachers who teach in a language other than English are proficient in that language.

Guiding LEP students through the educational pipeline requires on-going support, especially in middle and high schools where students are making decisions about their future. Under Section 1114, a schoolwide program may include counseling and mentoring services and college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services. To ensure that LEP students have access to these services schools should:

ensure that academic support services such as counseling and mentoring are designed to include and serve LEP students through, for example, the use of bilingual counselors and mentors;

present workshops in the native languages of LEP students or in a format that they can understand that makes them aware of the secondary and post-secondary coursework and other requirements for specific careers; and

provide mentors from the business community that speak the languages of LEP students or are from the same language minority background.

A recent report prepared for the U.S. Department of Education describes schools with exemplary practices for LEP students.[17] Some of the schools described are Title I schoolwide programs. The schools described ``emphasize cooperative learning in untracked classes and approaches that inspire curiosity in children and encourage them to think critically. In addition, they

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[17] *School Reform and Student Diversity: Case Studies of Exemplary Practices for LEP Students*. The Institute for Policy Analysis and Research, in collaboration with the National Center for Research on Cultural Diversity and Second Language Learning (1995). Copies are available from the National Clearinghouse on Bilingual Education by faxing your request to 800-531-9347. This document will also be available in the future through NCBE's World Wide Web Server: http://www.ncbe.gwu.edu

demonstrate respect for children's cultural backgrounds."

In addition, a book entitled, An Idea Book for Educators: Implementing Schoolwide Projects, was prepared for the U.S. Department of Education. The book includes profiles of 12 elementary schoolwide programs along with information for readers to contact the schools if further information is wanted. Some of the profiles include schools with LEP students.[18]

**Use of Funds for Schoolwide Programs and the Special Rule.**

***The law states that a school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency.***

Provisions under both schoolwide and targeted assistance programs require that Title I funds supplement rather than supplant funds for services that are required by other laws (e.g., Title VI of the Civil Rights Act, the Equal Educational Opportunities Act, and state bilingual laws). Thus the level of services necessary to meet Federal or state requirements must be provided from non-Title I sources. However, Title I funds may be used to coordinate and supplement those services, as well as provide other direct services to LEP students. For example, Title I funds may be used to pay the salaries of instructional staff who work with those students having academic difficulties, including LEP students. These staff would work closely with the ESL/bilingual teachers and regular classroom teachers.

***The law states that the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive, formula grant program administered by the Secretary, or any discretionary grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act), to support schoolwide programs, if the intent and purposes of such other programs are met and if the schoolwide program meets the conditions outlined in this Part of the law for components of a schoolwide program.***

***The law further states that a school that chooses to use funds from other programs is not relieved of the requirements relating to health, safety, civil rights, gender equity, student and***

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[18] To obtain a copy of the book, call (202) 401-0590.

***parental participation and involvement, services to private school children, maintenance of effort, comparability of services, uses of Federal funds to supplement, not supplant non-Federal funds, or the distribution of funds to State or local educational agencies that apply to the receipt of funds from such programs.***

This provision is intended to allow schools to develop and implement creative schoolwide programs that address the educational needs of all children, including those who are limited English proficient. In the development of such programs an LEA may combine funds from different programs to upgrade the entire educational program in a school. In addition to funds under this subpart (schoolwide programs), a school may use in its schoolwide program federal funds under any program administered by the Secretary of the Department of Education, except programs under the Individuals with Disabilities Education Act.

The Secretary has issued regulations exempting schoolwide programs from complying with statutory or regulatory provisions of most federal education programs, *if the intent and purposes of those programs are met in the schoolwide program.* The regulations ``emphasize[] that a school with a schoolwide program must address the needs of all children in the school, particularly the needs of children who are members of the target population of any other Federal education program that is included in the schoolwide program." (60 *Federal Register* at 49174 [Sept. 21, 1995]). In addition, provisions in other programs or statutory schemes relating to health, safety, civil rights, gender equity, student and parental participation and involvement, services to private school children, maintenance of effort, or comparability of services may not be exempted. Please note that the Special Rule does not allow the wholesale exemption of programs; rather, it is concerned with the possible exemption of *only* those provisions that in some way prevent the combining of funds and/or support schoolwide programming. It is not intended to exempt any provisions that would, in any manner, undermine the intent and purposes of the other programs.

Thus, for example, a schoolwide program that wants to combine its Title I funds with its Title VII funds could not seek to exempt any programmatic provisions that would undermine efforts to meet the educational needs of LEP children. This means, for example, that the evaluation and improvement provisions of the Title VII bilingual education program could not be exempted because it would make it more difficult to determine if the intent and purposes of the bilingual program are being met.

In short, the Special Rule is intended to allow schoolwide projects to combine funds from non-competitive formula and discretionary-grant programs to better serve the educational needs of all children. The Special Rule is not intended to eliminate a schoolwide program's obligation to satisfy all provisions of other programs that meet the educational needs of all children.

## Targeted Assistance Schools (Section 1115)

**Selecting LEP Students for Participation in Targeted Assistance Schools.**

***Eligible children in Targeted Assistance Schools include children who attend a Title I school and: (1) are not older than 21 and are entitled to a free public education through grade 12; and (2) are not yet at a grade level where the LEA provides a free public education yet are of an age where they could benefit from an organized instructional program (e.g., preschoolers).***

***From this group, eligible children are those identified by the school as failing, or most at risk of failing, to meet the State's challenging student performance standards on the basis of multiple, educationally related, objective criteria established by the local educational agency, except that children from preschool through grade two shall be selected solely on the basis of such criteria as teacher judgement, interviews with parents, and developmentally appropriate measures.***

Targeted Assistance Schools are those schools which do not qualify for schoolwide status, or which choose not to invoke it but still receive Title I funding. The law specifically states that migrant children, disabled and LEP children are eligible for Title I services on the same basis as other children selected to receive such services.

To determine eligibility for Title I, all LEP students in targeted assistance schools should be assessed to determine their educational attainment in meeting state performance standards in academic areas selected by the state (in at least math and reading or language arts). For example, if the state selects reading in English as a state content standard, LEP students must be assessed to determine their reading skills in English. They should be assessed using the same measures as their English proficient peers so that schools can easily determine which students in the school are farthest from meeting the state performance standards and thus most eligible for receiving Title I services. If it can be established that an LEP student would score close to zero on these measures of reading in English (based on an objective procedure such as an English language proficiency test), the school might instead assign a proxy score (such as zero) to the LEP student for purposes of justifying provision of Title I services. An additional factor of great import is the fact that the new law no longer requires norm-referenced tests or any other kind of test to determine student eligibility for Title I services. Thus, there is ample room for cautious and well-monitored experimentation in the new assessment systems for all students in the near future.

Although underachievement for LEP students should be defined in the context of state performance standards, instruction should be consistent with appropriate methodology for serving LEP students. This means, for example, that LEP students dominant in a non-English language may

continue to receive instruction in that language (where such services are available) through Title I funds in order to promote content learning and to develop native language literacy, a precursor to English language literacy. Such students might also benefit from additional programming (through Title I) to promote English language proficiency.

Children from preschool through grade two should be selected on the basis of such criteria as teacher judgement, interviews with parents, and developmentally appropriate measures. It is highly recommended that whatever criteria are established for selection be consistently applied to all potentially eligible children. For LEP students, this may mean that emergent literacy and numeracy is assessed in the same way it is assessed for non-LEP students. In the case of parent interviews, such interviews should be conducted in the native languages of the parents (if they are limited English proficient) using the same interview protocols as those used for other parents. These protocols should be culturally appropriate for all populations and developed with assistance from persons knowledgeable about the cultural backgrounds of participating parents. As for older children, although assessment may be in English, instruction should be consistent with appropriate methodology for LEP students.

**Methods for Effectively Serving LEP Students in Targeted Assistance Schools.**

***According to the law, a targeted assistance school program must: use the program's resources to help participating children meet State student performance standards; be based on effective means for improving student achievement; ensure that planning for students served under this part is incorporated into existing school planning; use effective instructional strategies (give primary consideration to providing extended learning time, help provide an accelerated, high-quality curriculum, and minimize removing children from the regular classroom during regular school hours); coordinate with and support the regular instructional program (counseling, mentoring, and other pupil services; college and career awareness and preparation; services to prepare students for the transition from school to work; services to assist preschool children in transition from early childhood programs to elementary school programs); provide instruction by highly qualified staff; provide opportunities for professional development; and include strategies to increase parental involvement.***

***In addition, schools conducting targeted assistance programs must assist children to meet the State's proficient and advanced levels of performance by the coordination of resources and by reviewing on an ongoing basis, the progress of participating children and revising the targeted assistance program, if necessary, to provide additional assistance to enable such children to meet the State's challenging student performance standards.***

***This section also adds new provisions for health, nutrition and social services that are not otherwise available to eligible children in a targeted assistance school.***

Although many practices that are effective for all students also apply to LEP students, there are a variety of practices that are especially important for these students.[19] For example, in creating a challenging and responsive learning environment:

- Teachers ensure that students' daily work is at a level that challenges them to learn and grow yet provides an experience of success. The provision of challenging work is especially important for these learners because many of them continue to receive instruction in English or remedial instruction that is not conceptually challenging. This is because teachers tend to match their curriculum to what they perceive to be students' linguistic inadequacies. Recently a growing number of educators and researchers have argued that all students, including English language learners, benefit from a challenging curriculum.

- Teachers manage and monitor the multiple and varied schedules of their students. (In many instances, one class or group of English language learners will be involved in multiple and diverse activities and settings.) This entails communicating with various staff members that work with their students to make sure that everyone is addressing student needs in an integrated and coherent way.

- Teachers support the life experiences and languages of all students. For example, the incorporation of home culture and knowledge contributes to a feeling of trust between children and their teachers. Teachers also use homework assignments to tap students' funds of knowledge.

In designing and delivering instruction, for example,:

- Teachers choose each instructional method carefully, taking into consideration the following variables: lesson goals/objectives (e.g., English acquisition or content knowledge; declarative or procedural knowledge), learner characteristics (e.g., ability, interests, learning style, prior schooling, age, cultural background, language background), and resources (e.g., availability of bilingual teachers).

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[19] For more elaboration regarding these features, see August, D.L. and Pease-Alvarez, L., *Effective Schooling for Second Language Learners: A School Assessment System.* National Center for Research on Cultural Diversity and Second Language Learning, in press. To order, contact: Dissemination Coordinator, National Center for Research on Cultural Diversity and Second Language Learning, Center for Applied Linguistics, 1118 22nd St., N.W., Washington D.C. 20037. Telephone (202) 429-9292.

- Teachers engage students in authentic, meaningful activities. This often entails making sure that the subject matter being addressed is culturally and personally relevant (i.e., relevant to the student's life, experience, history and personal reality).

- Teachers provide opportunities for and encourage interaction between children acquiring a second language and fluent speakers of that language.

- Teachers use strategies to make content delivered in English comprehensible. This can be accomplished through: explaining and demonstrating what students will be doing; providing a context for instruction through, for example, advance organizers, building on students' personal knowledge and experience; and making and adapting English materials so that they are both comprehensible and conceptually appropriate for English language learners.

## Assessment and LEA and School Improvement (Section 1116)

**Local Review**

***LEAs are required to use the State assessments and any additional measures or indicators described in their plan to review annually the progress of each school served under this Part to determine whether the school is meeting or making adequate progress toward enabling all students to meet the State's student performance standards.***

According to the law, adequate progress is defined in a manner that results in continuous and substantial yearly improvement of each LEA and school sufficient to achieve the goal of all children, particularly economically disadvantaged and LEP children, meeting the state's proficient and advanced levels of performance. Thus, the law requires LEAs to obtain accurate information about the academic progress of schools, and about the progress of LEP and "poor" children within these schools.

Given the above, LEP students must be assessed to determine whether they are making progress in meeting the State's proficient and advanced levels of performance. LEAs are required to develop assessment systems that fully incorporate LEP students, including:

(1) identification of LEP students who can take the content area assessments administered in English and ensuring that such students are assessed using these instruments;

(2) determination and administration of assessment alternatives for LEP students for whom the content assessment administered in English is not appropriate. Possible methods include the use of content assessments administered in the native language for those students for whom these assessments are appropriate, or alternative forms of the state content assessments administered in English;

(3) setting a limit on how long LEP students can be excluded from taking the same content assessments administered in English as their English speaking peers. Experts have suggested that this limit be based on their levels of English proficiency rather than years in school or in English-only programs;

(4) collection of data on the performance of all students in the school disaggregated by LEP status of the students; and

(5) use of this data to make decisions regarding school improvement.

In one school district, all incoming linguistically and culturally diverse students, as determined by a home language survey, are given an English proficiency test. Language proficiency skills in the students' native language are also assessed. Thereafter, the annual review process includes the use of multiple indices such as classroom performance, portfolios, student progress reports, teacher observation checklists, student performance evaluations, parent conference interviews, and an annual English language proficiency review.

**School Improvement**

***The law requires that schools in need of school improvement (not making improvement for two consecutive years) develop or revise their school plan in ways that have the greatest likelihood of improving the performance of participating children and submit the plan to the LEA for approval. During the first year following identification, schools in need of improvement must improve the skills of their staff through professional development. In addition, the LEA may provide or arrange for technical assistance. During the third year following identification (or at any time after identification if the LEA desires), the LEA must take corrective action against any school that still fails to make adequate progress.***

In schools where LEP students are not making progress toward meeting state standards, schools should ensure that staff development is geared toward helping all teachers meet the language and academic needs of the full range of LEP students (from non-English speaking to almost fully proficient in English). Moreover, LEAs should arrange for technical assistance to help LEP students achieve to these high standards.

**LEA Technical Assistance to Schools**

***The law requires that for schools in need of improvement, the LEA must provide technical or other assistance as the school develops and implements its plan that addresses specific elements of student performance problems and that specifies school and local educational agency responsibilities under the plan, and waivers or modifications of requirements of LEA policy or regulation that impede the ability of the school to educate students. Technical assistance may be provided directly by the LEA or with the LEA's approval a private nonprofit organization, an educational service agency, a comprehensive regional assistance center or other entities with experience in helping schools improve achievement may provide this assistance.***

To the extent that LEP students are failing to make progress toward meeting state student performance standards, the technical assistance should specifically address the needs and strengths of LEP students. Please refer to question on professional development activities, Sec. 1119.

**SEA Technical Assistance to LEAs**

***The law requires that an SEA provide technical assistance to LEAs identified as being in need of school improvement or by an Institution of Higher Education (IHE), a private nonprofit organization, an educational service agency or other local consortium, a technical assistance center, or other entities with experience in assisting local LEAs improve. Technical assistance may include interagency collaborative agreements or waivers or modification of requirements of State law or regulation that impede the ability of an LEA to educate students. It is only during the fourth year after identification, however, that States are required to take corrective action.***

In LEAs where LEP students are not making progress toward meeting state standards, the technical assistance and school improvement activities should specifically address the needs of LEP students. Please refer to Question/Answer on State Assistance for School Improvement that follows.

## State Assistance for School Support and Improvement (Section 1117)

**Technical Assistance**

***The State is required to help each LEA and school affected by the State plan develop the capacity to comply with the school improvement requirements, targeted assistance and schoolwide requirements and any other factors the state deems appropriate such as opportunity to learn standards or strategies. Technical assistance must include at a minimum:***

> ***school support teams to provide assistance to schoolwide programs and if funds are sufficient to high poverty schools or schools in need of improvement;***
>
> ***distinguished schools that serve as models and provide support to other schools;***
>
> ***distinguished educators to provide intensive and sustained assistance to the schools and LEAs farthest from meeting the State's student performance standards and to schoolwide programs.***

Integration and coordination with State Goals 2000 plans are key in developing a technical assistance network that responds to the needs of LEP students. The careful inclusion of LEP students into state standards creates the framework for determining how technical assistance should be shaped. To the extent that LEP students are failing to make progress toward meeting state student performance standards, the technical assistance should specifically address the needs and strengths of LEP students.

Clearly, technical assistance should ensure that LEAs and schools can respond to the needs and strengths of LEP students. School support teams should include staff with expertise in the education of LEP students. Distinguished educators should have the same qualities. Distinguished schools should include schools that successfully serve high proportions of LEP students from one language group, high proportions of LEP students from different language groups, and smaller proportions of LEP students. These different schools can serve as models of effective services for all children, including LEP children.

It is also worth looking at on-going experiments in other states so schools can evaluate their performance against benchmarks of effective practice and modify their practices and programs as necessary. New York (inspectorate) and California (school improvement program) have developed such systems. In addition, the Center for Research on Cultural Diversity and Second Language Learning, through funding from the Office of Educational Research and Improvement, has developed

a school improvement system specifically focussed on LEP students.[20]

The new comprehensive technical assistance centers will incorporate the functions of the Title VII Multifunctional Resource Centers and the Evaluation Assistance Centers (as well as other technical assistance centers funded through the former Elementary and Secondary Education Act). However, in addition to their technical assistance, SEAs and LEAs can look to universities that train teachers to work with language minority students.

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[20] August, D.L. and Pease-Alvarez, C., *Effective Schooling for Second Language Learners: A school assessment system.* National Center for Research on Cultural Diversity and Second Language Learning, in press. To order, contact: Dissemination Coordinator, National Center for Research on Cultural Diversity and Second Language Learning, Center for Applied Linguistics, 1118 22nd St., N.W., Washington D.C. 20037. Telephone: (202) 429-9292.

**Parent Involvement (Sec. 1118)**

***The law states that an LEA may receive funds only if such LEA implements programs, activities, and procedures for the involvement of parents in programs assisted through Title I that are consistent with a number of provisions including those that pertain to: LEA written policy; school parental involvement policy; policy involvement; shared responsibility for high student performance; building capacity for involvement; accessibility; and parental information and resource centers. LEAs that receive over $500,000 in Title I funds are required to reserve at least 1% of allocated Title I funds for parent involvement activities.***

***Provisions that specifically apply to the parents of LEP children include requirements for: (1) an annual evaluation that identifies (among other things) barriers to greater participation by parents in activities authorized by this section, giving particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background; (2) LEAs to ensure, to the extent possible, that information related to school and parent programs, meetings, and other activities is sent to the homes of participating children in the language used in such homes; (3) LEAs and schools, in carrying out the parental involvement requirements of this part, to the extent practicable, to provide full opportunities for the participation of parents with limited English proficiency or with disabilities, including providing information and school profiles in a language and form parents understand.***

The knowledge base on the education of language minority students indicates a number of policies that lead to effective and enduring partnerships between schools and language minority parents. First, the activities that link parents and the community to the schools are linguistically and culturally accessible and responsive to parents of English language learners and the community. Second, there is regular communication between school staff and parents so that parents understand the context in which their children are educated and how well their children are doing in school. For example, the school provides ongoing information to parents through, for example, orientations for new parents, back-to-school nights, parent teacher conferences, and home visits. Third, effective and equitable school-community relationships emerge when schools view their students' homes and communities as a resource. The cultures, knowledge, and abilities of community members represent an important instructional resource that is often overlooked in schools that serve language minority communities.

In developing parent involvement plans, LEAs should include LEP parents in their joint development as well as in decisions of what services parents can receive. The LEA or school should conduct, in consultation with parents, a needs assessment to identify possibilities for greater

participation of parents, including parents with limited English proficiency.[21] For example, parents of LEP students might serve on school improvement and curriculum teams. Parents should be involved in an organized, ongoing and timely way in reviewing and monitoring the school parental involvement policy.

Through school-parent compacts, schools offer a process to effectively involve parents, including limited English proficient parents, in school-family partnerships. School-parent compacts should specifically describe the high-quality curriculum and instruction that will enable all students, including LEP students, to meet high standards and the ways in which parents can help their children meet these high standards. For example, parents of LEP students, who themselves are non-English speaking, may be provided with native language materials to help their children maintain and develop their native language or learn content matter in their native language while they are acquiring English.

Effective schools have a wide range of parent involvement activities. They help parents support their children's learning and development through such activities as parent education workshops, multilingual family learning activities, and native language parent groups. Parents are encouraged to volunteer or provide assistance at their children's school as well as support and participate in learning activities with their children at home. Some schools also support parents' educational needs.

Examples of good parent involvement strategies that focus on parents of LEP students include the following:

- LEAs and schools that hire bilingual and bicultural parent liaisons to increase and strengthen parental involvement of all parents, especially non-English speaking parents;

- Schools that create parent resource rooms where parents feel welcome in the school. This facilitates interaction with other parents, conferencing with teachers, adult ESL or parenting skills classes, community meetings, and other activities involving parents. This strategy can be particularly effective with parents of LEP students who may not feel as comfortable in the classroom setting;

- One LEA has an office of translation and interpretation with staff who are proficient in

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[21] Sec. 1001(c)(7) & (d)(7) clarifies that one of the purposes of Title I is to ``afford[] parents meaningful opportunities to participate in the education of their children at home and at school". This interpretation is also reinforced in the parental involvement provisions and the parent-school compact provisions (see Sec. 1118[a][2][E]).

multiple languages and are available to translate any materials to the school communities and parents, as well as to serve as interpreters at any school functions;

- Family literacy programs provide support and instruction for parents as well as strengthen their role in improving the education of their children. These programs work by: bringing parents into the classroom as instructional resources; offering parents ESL instruction; helping parents understand the instructional process and how to develop working relationships with school personnel; and informing parents about effective strategies for working with students at home.

As of 1996, the National Clearinghouse for Bilingual Education (NCBE) will be constructing a database of persons who speak a language other than English and are willing to serve as resources to schools. NCBE will be working with the Comprehensive Technical Assistance Centers to provide this information to requesters.[22]

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[22] NCBE may be contacted by fax at 800-531-9347 or via e-mail at askncbe@ncbe.gwu.edu

**Professional Development (Sec. 1119)**

***The law requires LEAs receiving Title I assistance to provide high quality professional development that will improve the teaching of academic subject matter consistent with the State content standards in order to enable all children to meet the State's student performance standards. Each school identified for school improvement must devote, over a 2-year period, at least 10% of its annual Title I (Part A) allocation to professional development.***

When there is a large gap between the needs of LEP students and the skills and knowledge of the teaching force, it is extremely important to focus on professional development in the technical assistance activities.

Exemplary professional development, regardless of the specific student population, provides teachers with many different opportunities to enhance their own learning. These include occasions when others (e.g., students, parents, colleagues, administrators) observe and offer constructive critiques of their teaching and where they have an opportunity to visit and work in model settings. Teachers have access to workshops, courses, seminars and other experiences that help them stay abreast of current innovations and ideas in research and practice. These professional development activities can be connected to specialized state certification credit, where such credit is required. Teachers are encouraged to reflect on their own teaching, including their attitudes about language and culture (since their activities/behavior convey important messages which affect student learning and self concept). Finally, good professional development is ongoing and sometimes initiated and implemented by school staff.

Teachers who work with culturally and linguistically diverse populations should have specialized knowledge that relates to the special circumstances, experiences, and backgrounds of their students. This includes knowledge of first and second language acquisition, knowledge of strategies compatible and supportive of the cultural backgrounds of second language learners, knowledge of second language methodology. In addition, teachers know how to integrate different levels of linguistic and conceptual complexity in their instructional program. Finally, teachers who teach LEP students should be fluent in the language of instruction so that they are able to use that language effectively in the subject areas that they teach.

## Conclusion

The educational programs supported under Title I have exerted widespread influence on the schooling of LEP children. During the 1991 and 1992 school years, for example, it has been estimated that approximately 53 percent of 1st grade and 37 percent of 3rd grade LEP students participated in some form of supplementary education assistance in reading/language arts, primarily through Chapter 1 programs.[23] The impact will undoubtedly increase with the anticipated rise in schoolwide Title I programs, since LEP students are disproportionately represented in high poverty schools. Thus, improvement of services through Title I programs can have a major impact on the chances of school success for LEP students.

In this *Guidebook*, we have interpreted the major features of the new law as they affect LEP students and their parents. As old-timers in Title I programs will readily attest, there has been a paradigm shift. We have made every effort to base our recommendations along a continuum that ranges from requirements in the law to interpretations based on current research and practice. We have attempted to explicitly characterize the issues faced in appropriately serving the needs of LEP students. We hope that the recommendations contained in this document can serve as guideposts for the implementation as well as the future evaluation of the program.

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[23] M. Moss & M. Puma (1995). *Prospects: The Congressionally Mandated Study of Educational Growth and Opportunity*. First year report on language minority and limited English proficient students. Prepared for the U.S. Department of Education, Office of the Undersecretary.